IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.688 OF 1997

Shri.P.K.Arumugham .. Plaintiff.

Versus

1. M/s.Arviva Industries (India)
   Limited & Ors. .. Respondents.

Mr.L.G.Waingankar for plaintiff.

Ms.Sanika Deshpande i/b.M/s.Haresh Mehta & Co. for defendant No.2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5TH JULY, 2007.

P.C.:

1. Mr.Waingankar, learned Advocate appearing for the plaintiff states that the sole plaintiff has expired. A Chamber Summons was taken out to bring the heirs and legal representatives on record which was allowed by this Court long time back. That order was not implemented inasmuch as the heirs and legal representatives were required to

come forward and complete the formalities of re-verification of the pleadings etc. but did not come forward to do so despite communications from the plaintiff's Advocate. Mr.Waingankar states that the plaintiff's legal heirs are residing at Erode in the state of Tamilnadu and that is how they find it difficult to come and attend the Court Registry. Even the person who was authorised on their behalf from Mumbai is also not available.

2. Now that the matter is appearing on Board, Mr.Waingankar states that he has instructions to withdraw the suit because the heirs and legal representatives are not finding it convenient to come and prosecute the suit.

3. In such circumstances and in the light of the instructions of Mr.Waingankar, the suit is allowed to be withdrawn and dismissed as such. There will be no order as to costs. All interim orders, if any, to stand vacated. Refund of court fees, if any, as per Rules. In the peculiar facts and circumstances of this case, no order as far as second defendant is concerned, for costs.

(S.C.Dharmadhikari, J.)